

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DONALD C. HILLMAN and MICHAEL E.
MECSAS,

Plaintiffs

v.

SCHNADER HARRISON SEGAL & LEWIS, LLP,
et al.

Defendants

2004 MAY 11 P 5:00

FILED
Civil Action No. 03cv12345 RGS

JOINT MOTION TO EXTEND DISCOVERY DEADLINE

Plaintiffs Donald C. Hillman and Michael E. Mecsas ("plaintiffs") and defendants Schnader Harrison Segal & Lewis LLP ("Schnader"), Robert L. Collings, Marilyn Z. Kutler, David Smith, Ralph G. Wellington, Margaret S. Woodruff, and all other partners of Schnader Harrison Segal & Lewis named as defendants¹ ("defendants") (collectively "the parties") hereby

¹ James E. Abraham, Elizabeth K. Ainslie, Lindsey D. Alton, Stephen J. Anderer, Thomas D. Arbogast, John M. Armstrong, Richard A. Barkasy, Jeanne Schubert Barnum, Peter H. Beaman, David R. Berk, Jeffrey I. Bernstein, Michael G. Bock, Arthur N. Brandolph, Barry E. Bressler, Gregory W. Buhler, Andrea Hyatt Callan, M. Christine Carty, Marc S. Cornblatt, Ronald S. Cusano, Albert S. Dandridge III, Kenneth R. DeRosa, Benjamin P. Deutsch, Joseph J. Devine, Diana S. Donaldson, Stephen H. Dye, Jeffrey L. Eichen, Robert D. Feder, Walter B. Ferst, Elise A. Fialkowski, Glenn D. Fox, John K. Gisleson, Allan D. Goodridge, Peter S. Greenberg, Megan E. Harmon, Cristopher Charles Hoel, Jennifer DuFault James, Anne E. Kane, Ronald E. Karam, David E. Kenty, Richard W. Kessler, Wilber L. Kipnes, Joan T. Kluger, Bernard B. Kolodner, Peter C. Langenus, Nicholas J. LePore III, Jeffrey W. Letwin, Saul Levit, Dionna K. Litvin, Theresa E. Loscalzo, William J. Maffucci, Michael J. Mangan, Edward J. McBride, Jr., George E. McGrann, Martin Mendelsohn, James R. Meyer, Albert Momjian, Mark A. Momjian, Alexander P. Moon, Leo J. Murphy, Michael G. Neri, Judith F. Olson, Nicholas N. Price, Neil Proto, Kenneth R. Puhala, Nicole M. Reimann, Kenneth I. Rosenberg, Bruce A. Rosenfield, Denna Jo Schneider, Allan B. Schneirov, H. Lee Schwartzberg, Jr., J. Denny Shupe, Samuel W. Silver, Eric T. Smith, Carl A. Solano, J. Robert Stoltzfus, Clinton A. Stuntebeck,

jointly move to extend the discovery deadline of May 26, 2004 to June 30, 2004. As grounds for this motion, the parties state as follows:

1. Plaintiffs commenced this proceeding against the defendants in Suffolk Superior Court on October 20, 2003. Plaintiffs asserted breach of contract claims against defendants arising from the alleged breach of two separation agreements between Schnader and the plaintiffs. Plaintiffs allege that defendants failed to pay to the plaintiffs installments of their capital accounts and deferred compensation as required by the contracts.
2. Defendants removed this action to this Court on November 20, 2003 and answered the Complaint on December 1, 2003.
3. The parties appeared before the Court on February 26, 2004 for a scheduling conference. The Court established the following deadlines at the conference: 30 days from the date of the conference (2/26/04) to file motions limited to legal issues for the Court to clarify, 15 days thereafter to respond to those motions, and 90 days to complete fact discovery.
4. On March 26, 2004, the defendants filed a motion for judgment on the pleadings and/or for summary judgment, which is pending before the Court. The Court extended the deadline for plaintiffs to oppose defendants' motion and plaintiffs filed their opposition to the defendants' motion on April 19, 2004.
5. The parties have undertaken to engage in discovery, however, scheduling conflicts have prevented the parties from being able to schedule depositions and otherwise complete discovery.

Dennis R. Suplee, Sherry A. Swirsky, Jerry L. Tanenbaum, Paul N. Tauger, Gregory H. Teufel, Paul H. Titus, George N. Tompkins III, Anthony J. Watkins, Nancy M. Weinman, Stewart M. Weintraub, Keith E. Whitson, Nancy Winkelman, Maureen C. Zemel. Richard Fineman and

6. The parties have mutually agreed that an extension of the discovery deadline up to June 30, 2004 is necessary to complete outstanding discovery.

7. Accordingly, the parties hereby request that the Court extend the current discovery deadline of May 26, 2004 to June 30, 2004 to allow the parties to complete discovery.

MICHAEL E. MESCAS and DONALD C. HILLMAN,

By their attorneys,

Carol C. Cohen (OER)

Robert C. Gerrard (BBO #189800)

Carol C. Cohen (BBO #088660)

Davis, Malm & d'Agostine, P.c.

One Boston Place

Boston, MA 02108

(617) 367-2500

SCHNADER HARRISON SEGAL & LEWIS LLP, ROBERT L. COLLINGS, MARILYN Z. KUTLER, DAVID SMITH, RALPH G. WELLINGTON, MARGARET S. WOODRUFF and ALL OTHER PARTNERS OF SCHNADER HARRISON SEGAL & LEWIS LLP

By their attorneys,

Michael DeMarco

Michael DeMarco (BBO #119960)

Daniel E. Rosenfeld (BBO #560226)

Kirkpatrick & Lockhart LLP

75 State Street

Boston, MA 02109

(617) 261-3100

Dated: May 11, 2004

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party by mail hand on May 11, 2004

William L. Leonard are named as defendants but have not been properly served and thus are not before the Court.

Kirkpatrick & Lockhart LLP

DISTRICT COURT
DISTRICT OF MASS.
5 State Street
Boston, MA 02109-1808
617.261.3100
www.kl.com

May 11, 2004

2004 MAY 11 P 5:00

Via Hand Delivery

Clerk for Civil Business
United States District Court
District of Massachusetts
1 Courthouse Way
Boston, MA 02210

FILED
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Re: Donald C. Hillman, et al. v. Schnader Harrison Segal & Lewis, LLP, et al.,
C.A. No. 03cv12345 RGS

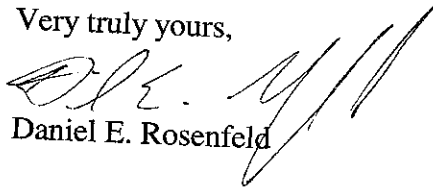
Dear Sir or Madam:

I am enclosing for filing and docketing in the above captioned case the following:

Joint Motion to Extend Discovery Deadline

Thank you for your attention to this matter.

Very truly yours,


Daniel E. Rosenfeld

DER/mas

Enclosure

cc: Carol C. Cohen – Via Hand Delivery
Michael DeMarco, Esq.

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